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the City of San Diego

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BARRIO LOGAN REDEVELOPMENT PLAN

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1.0 INTRODUCTION

This is the Redevelopment Plan (the "Plan") for the Barrio Logan Redevelopment Project (the "Project") in the City of San Diego, County of San Diego, State of California. This Plan consists of text, the Redevelopment Plan Map, a legal description of the Project Area and the proposed Public Facilities and Improvement Projects. This Plan will be implemented by the Redevelopment Agency (the "Agency") pursuant to the Community Redevelopment Law of the State of California Health and Safety Code, Section 33000 et seq (the "Community Redevelopment Law"), the California Constitution and all applicable local codes and ordinances.

The definitions of general terms which are contained in the Community Redevelopment Law govern the construction of the Plan unless more specific terms and definitions therefore are otherwise provided in this Plan.

The project area (the "Project Area") includes all properties within the Project boundary shown on the Redevelopment Plan Map and described in the Legal Description of the Project Area. The Project Area consists of approximately 133 acres. Existing land use reflects a mixed pattern of residential, industrial and commercial uses. There is evidence of incompatible land uses and old and declining residential housing stock which are symptomatic of blight. Commercial redevelopment to support residential use is minimal and service commercial uses are insufficient. Industrial uses predominate but do not appear to be labor intensive.

The proposed redevelopment of the Project Area as described in this Plan sets land use and development standards for the area. The Plan, when adopted by ordinance, will be consistent with the Barrio Logan/Harbor 101 Community Plan, (herein referred to as "Community Plan") and the Local Coastal Program, as amended. It will also be consistent with the Barrio Logan Planned District Ordinance, as amended. This Plan is based on the Preliminary Redevelopment Plan formulated and adopted by the Planning Commission and the Agency in October, 1989.

1.1 PURPOSE OF THE PLAN

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated for this Plan for the redevelopment, rehabilitation and revitalization of the Project Area. This Plan does not present a specific plan or establish priorities for specific projects for the redevelopment, rehabilitation and revitalization of any particular area within the Project Area. Instead, this Plan presents a process and basic framework within which specific redevelopment plans will be presented, priorities for specific projects will be presented, priorities for specific solutions will be proposed. The Plan also

The Plan is to be used as a tool to implement programs in Barrio Logan to eliminate conditions of blight. Without the Plan, blight cannot be reasonably expected to be reversed or alleviated by private enterprise acting alone.

1.2 GOALS AND OBJECTIVES

In general, the goals and objectives of redevelopment in the Barrio Logan Project Area are:

- o To eliminate and prevent the spread of blight and deterioration, and to conserve, rehabilitate and redevelop the Project Area in accordance with the Plan and consistent with the Community Plan;
- o To encourage the cooperation and participation of residents, business persons, public agencies and community organizations in the revitalization of the Project Area;
- o To reconstitute Barrio Logan as a viable, mixed-use community and encourage compatible land use patterns;
- o To encourage new and continuing investment of the private sector in the redevelopment of Barrio Logan by:
 - Utilizing the proposed Mercado del Barrio Project as a catalyst that will facilitate additional improvements in the area; and
 - Promoting the economic well-being of the retail/commercial mixed-use areas by encouraging the diversification of its commercial base and employment opportunities.
- o The achievement of an environment that reflects a high level of concern for architecture, landscape, urban design and land use principles appropriate for attainment of the objectives of the Plan by:
 - Expanding the amount of developable land by obtaining and assembling, if necessary, under- utilized parcels, and making under-utilized rights of way available for development;
 - Controlling unplanned growth by guiding new development to meet the needs of the community as reflected in this Plan;
 - Encouraging the development of an identifiable urban community image through a unified architectural and urban design character, particularly in the commercial/ retail areas; and

- Promoting small scale, individualized development and an active, pedestrian oriented environment.
- o To develop a pedestrian and vehicular transportation network which minimizes and reduces existing circulation conflicts, coordinates with land uses and densities, and provides additional accessibility for transit-dependent population by:
- Developing a street hierarchy that will reinforce the identity of different uses and develops buffers between residential and industrial uses;
 - Encouraging local traffic to utilize commercial corridors and direct industrial traffic to peripheral streets through signage and revised circulation patterns;
 - Providing for appropriate street improvements to allow traffic to operate more efficiently;
 - Providing for safe pedestrian mobility; and
 - Developing a pedestrian-scale open space connection between Chicano Park and Bayfront Park, at the foot of Crosby Street.
- o To resolve the problems associated with on and off street parking, truck and other vehicle traffic and to maintain an acceptable level of service on the arterials within the Project Area by:
- Considering removal of on-street parking on appropriate streets, and encourage businesses and residential development to provide off- street parking; and
 - Encouraging businesses and residents to participate in a shared parking facility program where common parking is possible.
- o To encourage the development of a commercial environment which positively relates to adjacent land uses, and to upgrade and stabilize existing commercial uses by:
- Providing for the expansion, renovation and relocation of businesses within the project area to enhance their economic viability;

- Providing for the development of designated commercial mixed use areas on Logan Avenue and the Mercado District to attain an identifiable consistent image and character and enhance their economic viability;
 - Encouraging development of small and affordable commercial spaces;
 - Encouraging small businesses throughout the Project Area to remain and expand in the Project Area. Opportunity to rehabilitate and modernize shall be given to small businesses by the Agency in those areas where retention of small businesses is a priority, (portions of Logan Avenue, National Ave., Crosby Street and Sigsbee Street) ;
 - Provide small business entrepreneurs with the necessary support to succeed through a business incubator program;
- o To promote the development of local job opportunities, the preservation of the area's existing employment base, and provide vocational training for residents of the community by:
- Encouraging the community to invest and participate in the existing markets and to create new businesses in the area;
 - Working with the Enterprise Zone Job Referral Service (or its successor) so that new jobs can be filled by community residents and businesses can claim Enterprise Zone tax credits;
 - Expanding the San Diego Community College programs and facilities within or serving the Project Area; and
 - Expanding the Perkins Elementary School to provide a full range of educational and recreational opportunities and develop alternative education programs for junior and senior high school drop-outs.
- o To create a balanced mix of new housing stock, including low-and moderate-income housing, and rehabilitate as many existing dwelling units as possible by:
- Making provisions for housing that satisfies the needs of various age, income, family size and ethnic groups within the community, and maximizing the opportunity for individual choice; and
 - Retaining the integrity of Barrio Logan by encouraging small residential neighborhoods characterized by

affordable housing, articulated buildings, densely planted courtyards and broad sidewalks used as gathering spaces.

- o To provide a basis for the location and programming of public service facilities including, but not limited to: libraries, day-care, youth and family centers, cultural centers, parks and recreation facilities and education facilities, and to coordinate the phasing of public facilities with private development by:
 - Providing for the expansion and improvement of Harbor View Education Center to include public uses such as a library and cultural center; and of Perkins Elementary School to include provisions, if possible, of turf and open play areas for organized sports activities such as soccer; and to plan for the construction, expansion, and maintenance of a day-care center, and additional public facilities for the community;
 - Ensuring the enjoyment and use of Chicano Park and other recreational areas, such as the Perkins Elementary School recreation field, public play areas and social clubs;
 - Expanding Chicano Park to the west of the Coronado Bay Bridge to Harbor Drive and a pedestrian access south of Harbor Drive to Crosby Bay Park;
 - Encouraging and supervising more use by youth of sports, cultural and art programs; and
 - Provide for the expansion of Barrio Logan Youth Center, if possible.
- o To encourage the preservation and the enhancement of the varied and distinctive character of the community, and to promote the development of the community's cultural and ethnic qualities by:
 - Strengthening the social and cultural base through recognition and encouragement of the community's Hispanic character and providing an outlet for a continuing and growing cultural expression;
 - Providing a multi-use cultural community center, if possible, incorporating the murals and other significant works from the Aztec Brewery in a replication, if possible, of the Brewery's tasting room;

- Rehabilitating and integrating into the redevelopment process and projects, the historic and significant architectural resources of Barrio Logan, and preserving, whenever possible, existing single family dwelling units particularly those of historic/architectural significance; and
 - Providing opportunity and encouragement for the expansion of the mural program and other culturally significant art forms.
- o To provide an environment that ensures the health, safety and well-being of the residents of the Barrio Logan community by:
- Coordinating public infrastructure improvements including environmental deficiencies such as inadequate water, sewer and storm drainage systems, insufficient street lighting and lack of public facilities and utilities;
 - Urging every citizen, business, industry and public agency to be sensitive to the environment and contribute, whenever possible, to its preservation and enhancement ; and
 - Regulating land uses so that major consideration is given to the prevention and rehabilitation of environmental damage.
- o To provide relocation assistance when necessary and relocate residents and businesses existing in the area by:
- Placing new development in undeveloped (infill) sites whenever possible to lessen the number of displaced residents and businesses; and
 - Relocating residents and businesses back into Barrio Logan whenever feasible.
- o To coordinate revitalization efforts in Barrio Logan with other programs of the City of San Diego by:
- Ensuring that actions taken as part of the Project shall not displace existing social blight to another part of the City; and
 - Ensuring the participation of the owners and tenants in the decision-making process concerning the revitalization and redevelopment of the area.

2.0 PROJECT AREA BOUNDARIES AND LEGAL DESCRIPTION

The boundaries of the Project Area are illustrated on the PROJECT AREA BASE MAP, EXHIBIT 1. The Project contains approximately 133 acres of land. The Legal Description of the Project Area boundary is described as follows:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF INTERSTATE 5 WITH THE SOUTHERLY LINE OF THE RIGHT-OF-WAY OF COMMERCIAL STREET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF COMMERCIAL STREET TO THE INTERSECTION WITH THE EASTERLY LINE OF THE RIGHT-OF-WAY OF 16TH STREET; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID EASTERLY LINE OF 16TH STREET TO THE INTERSECTION WITH THE NORTHEASTERLY LINE OF THE RIGHT-OF-WAY OF NEWTON AVENUE; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF NEWTON AVENUE TO THE INTERSECTION WITH THE SOUTHEASTERLY LINE OF THE RIGHT-OF-WAY OF SIGSBEE STREET; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE OF SIGSBEE STREET TO THE INTERSECTION WITH THE NORTHEASTERLY LINE OF THE RIGHT-OF-WAY OF HARBOR DRIVE; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF HARBOR DRIVE TO THE INTERSECTION WITH THE SOUTHEASTERLY LINE OF THE RIGHT-OF-WAY OF BEARDSLEY STREET; THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY PROLONGATION OF SAID SOUTHEASTERLY LINE OF BEARDSLEY STREET TO THE INTERSECTION WITH THE NORTHERLY BOUNDARY LINE OF THE PROPERTIES BELONGING TO THE SAN DIEGO UNIFIED PORT DISTRICT, SAID LINE BEING APPROXIMATELY 800.00 FEET ALONG SAID SOUTHWESTERLY PROLONGATION OF BEARDSLEY STREET FROM SAID NORTHEASTERLY LINE OF HARBOR DRIVE; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY BOUNDARY OF PROPERTIES BELONGING TO THE SAN DIEGO UNIFIED PORT DISTRICT TO THE INTERSECTION WITH THE SOUTHEASTERLY LINE OF THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY FOR THE SAN DIEGO CORONADO BRIDGE, SAID POINT BEING APPROXIMATELY THE INTERSECTION OF SAID NORTHERLY BOUNDARY LINE WITH THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF THE RIGHT-OF-WAY OF DEWEY STREET; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF SAID DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY A DISTANCE OF APPROXIMATELY 1000.00 FEET TO A POINT ON A LINE PARALLEL WITH THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF MAIN STREET; THENCE CONTINUING ALONG SAID DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY SOUTHEASTERLY ALONG SAID PARALLEL LINE TO THE INTERSECTION WITH THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF THE RIGHT-OF-WAY OF DEWEY STREET; THENCE LEAVING SAID PARALLEL LINE, NORTHEASTERLY ALONG SAID SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF DEWEY STREET TO A POINT ON THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF SAID MAIN STREET; THENCE LEAVING SAID DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF MAIN STREET TO A POINT ON THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF THE RIGHT-OF-WAY OF EVANS STREET; THENCE NORTHEASTERLY ALONG SAID SOUTHWESTERLY PROLONGATION AND THEN ALONG SAID SOUTHEASTERLY LINE OF EVANS STREET TO THE INTERSECTION WITH THE NORTHEASTERLY LINE OF THE ALLEYWAY LOCATED BETWEEN NATIONAL AVENUE AND LOGAN AVENUE; THENCE SOUTHEASTERLY AND EASTERLY ALONG SAID NORTHEASTERLY LINE OF SAID ALLEYWAY CROSSING SAMPSON STREET AND 26TH STREET TO THE INTERSECTION WITH SAID SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF INTERSTATE 5; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF INTERSTATE 5 TO THE POINT OF BEGINNING.

3.0 PROPOSED REDEVELOPMENT ACTIVITIES

3.1 GENERAL

The Agency proposes to eliminate and prevent the spread of blight and blighting influences, and to strengthen the economic base of the Project Area and the community by:

- Encouragement of community participation in the redevelopment process by the owners of properties and businesses consistent with this Plan;
- Acquisition of real property;
- Relocation assistance to displaced occupants of property acquired in the Project Area;
- Demolition or removal of substandard buildings and improvements;
- Installation, construction, elimination, expansion, addition, extraordinary maintenance, or re-construction of roadways and arterials, public street lighting, utilities and other public facilities and improvements;
- Disposition of property for uses in accordance with this Plan, using disposition and development agreement language which assures that jobs resulting from new development will, to the greatest extent possible, be provided to community residents;
- Rehabilitation of structures and improvements by the Agency, the present owners and their successors;
- Rehabilitation, development or construction of low moderate market rate housing within the Project Area;
- Implementation of landscape, architectural and urban design programs;
- Provision of enforcement programs to retain the controls and establish restrictions to maintain land uses for their intended use in accordance with this plan;
- Redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan; and
- Retention of existing housing wherever possible.

In the accomplishment of these activities, and in the implementation of this Plan, the Agency is authorized to use all the powers provided in this Plan and all powers granted by State law to redevelopment agencies.

3.2 PARTICIPATION BY OWNERS AND TENANTS

3.2.1 OPPORTUNITIES FOR OWNER PARTICIPATION

Owners of residential, commercial, industrial and other types of real property will be allowed and encouraged to participate in the redevelopment of the Project. Participation in the Project Area may include requirements such as rehabilitation, retention of improvements or new development. Participation may also include retention of all or a portion of their properties, acquisition of adjacent properties from the Agency, purchasing other properties within the Project Area, working with developers in the redevelopment of all or a portion of their properties or by other adequate means of improvement.

Participation opportunities in the Project Area are subject to factors such as, but not limited to, the following: (1) the elimination and redesignation of some land uses; (2) the removal, relocation and/or installation of public utilities and public facilities; (3) the realignment, abandonment, widening, opening and/or other alternation or elimination of rights-of-way; (4) the ability of owners and tenants to undertake and complete the proposed redevelopment; (5) the reduction or addition in the total number of individual parcels in the Project Area; (6) the construction or expansion of public improvements and facilities, and the necessity to assemble areas for such; (7) any change in orientation and character of the Project Area, including retaining the consistency of the Barrio culture; (8) the necessity to assemble areas for public and/or private development; (9) the requirements of this Plan and applicable laws and regulations of the City of San Diego; (10) any design guidelines and/or landscape plans approved by the Agency; and (11) the feasibility of the participant's proposal.

3.2.2 PREFERENCES FOR PERSONS ENGAGED IN BUSINESS IN THE PROJECT AREA

The Agency will give preference to those business owners and business tenants engaged in business in the Project Area to re-enter in business within the redeveloped area if they meet requirements prescribed in this Plan.

3.2.3 PARTICIPATION AGREEMENTS

Owners will be required to provide proof to the Agency of their qualification and financial ability to carry out their agreement with the Agency. It will be necessary to develop a binding owner participation agreement between owners and the Agency by which the participant agrees to rehabilitate, develop, reconstruct, alternate or use the property in conformance with the Plan and to be subject to the provisions hereof. The owner participant shall join in the recordation of such documents as may be requested by the Agency to insure the application of appropriate covenants, conditions and restrictions to their properties. In the event an owner participant fails, or refuses to develop, or use and maintain its real property pursuant to this Plan and such participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for development in accordance with this Plan.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

3.2.4 IMPLEMENTING RULES

The participation agreement shall be implemented according to the rules approved by the Agency prior to the adoption of this Plan.

3.3 PROPERTY ACQUISITION

3.3.1 ACQUISITION OF REAL PROPERTY

The Agency may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, lease, purchase, eminent domain or any other lawful method. However, the Agency shall not exercise the power of eminent domain to acquire any property for which proceedings in eminent domain have not commenced within twenty-four (24) years after the effective date of the ordinance approving and adopting this Plan, except by amendment of this Plan. In addition, the area south of Harbor Drive will be exempt from any eminent domain action.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property such as lease hold, easements and/or fee title.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless:

1. Such building requires structural alteration, improvement, modernization or rehabilitation; or
2. The site or lot which the building is situated requires modification in size, shape or use; or
3. It is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan.

3.3.2 PERSONAL PROPERTY

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

3.4 PROPERTY MANAGEMENT

During the time that property in the Project Area is owned by the Agency, if any, the subject property shall be under the management and control of the Agency. The subject property may be rented or leased by the Agency pending its disposition for redevelopment, and the rental or lease shall be pursuant to such policies as the Agency may adopt.

3.5 RELOCATION OF OCCUPANTS DISPLACED BY AGENCY ACQUISITION

3.5.1 RELOCATION HOUSING REQUIREMENTS

No persons or families of low- and moderate- income shall be displaced unless there are housing units of comparable rent costs that are suitable and adequate and that are located within Barrio Logan or the immediate environs. The replacement housing must be decent, safe, sanitary, adequate in space requirements and otherwise standard dwellings. The Agency must abstain from displacing any persons and families until these housing units are available and ready to occupy.

Whenever persons or families are displaced from housing in the Project Area, the Agency shall, within three (3) years of such displacement, make available permanent replacement housing. In the event permanent replacement housing is not available immediately upon the displacement of any person(s), the Agency shall make available temporary replacement housing until permanent replacement housing is available. Such temporary replacement housing shall meet the requirements found in the rules and regulations for implementation of the California Relocation Assistance Law adopted by the Agency. The Agency shall work with existing owners and developers of new projects to develop as many permanent replacement housing units within the Project Area as possible. In the event permanent replacement housing, as defined in federal and state law and in the rules and regulations for implementation of the California Relocation Assistance Law adopted by the Agency, cannot be found, the Agency shall, as a last resort, provide such housing utilizing its own resources.

3.5.2 REPLACEMENT HOUSING PLAN

The Agency shall adopt by resolution replacement housing plans as provided by law. They shall be approved no less than thirty (30) days prior to the execution of an owner participation agreement, or an agreement for acquisition of real property, or an agreement

for the disposition and development of property, which would lead to the destruction or removal of dwelling units from the low- and moderate-income housing market. The relocation plan for the Project shall be prepared pursuant to the rules and regulations for implementation of the California Relocation Assistance Law adopted by the Agency.

A replacement housing plan shall include: (1) the general location of housing to be rehabilitated, developed or constructed pursuant to Section 33413 of the Community Redevelopment Law; (2) an adequate means of financing such rehabilitation, development, or construction; (3) a finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained; (4) the number of dwelling units housing persons and families of low or moderate income planned for construction or rehabilitation; and (5) the schedule for meeting the plan's relocation, rehabilitation, and replacement housing objectives. No dwelling unit shall be destroyed or removed from the low- and moderate-income housing market until the Agency has by resolution adopted a replacement housing plan as required by law. Whenever dwelling units housing persons and families of low and moderate income are destroyed or removed from the low and moderate income housing market as part of a redevelopment project, the Agency shall within four years of the destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed an equal number of replacement dwelling units which have an equal or greater number of bedrooms than those destroyed or removed at affordable housing costs. In addition, 75% of the replacement dwelling units shall replace dwelling units available at affordable cost in the same income level as the persons displaced from those destroyed or removed units.

A housing unit that the Agency owns and which poses immediate danger to health and safety may be destroyed or removed from the low- and moderate-income housing market. A replacement housing plan will be implemented as soon as feasible in regards to each dwelling unit.

3.5.3 RELOCATION ADVISORY ASSISTANCE

Relocation advisory assistance will be provided by the Agency to all persons (including individuals and families), business concerns and others displaced by Agency action in connection with the implementation of the Plan to find other locations and facilities. Relocation advisory services shall comply with the rules and regulations for implementation of the California Relocation Assistance Law adopted by the Agency. In order to carry out the Project with a minimum of hardship to persons displaced from their respective places of residence or business, the Agency shall assist such persons, business concerns and others in finding new locations that are decent, safe and sanitary, within their respective financial means, in convenient locations

that are reasonably accessible to the place of employment of the person relocated, and suitable to their respective needs. The Agency may provide housing inside or outside the Project Area for displaced persons.

3.5.4 RELOCATION PAYMENTS

The Agency shall make all relocation payments to persons, business concerns, nonprofit local community institutions and others displaced from property in the Project Area, pursuant to the rules and regulations for implementation of the California Relocation Assistance Law adopted by the Agency. This shall include reasonable moving expenses or, as an alternate to receiving such payments, any person who is displaced from a dwelling unit may receive a moving expense allowance and an additional dislocation payment. The Agency is further authorized to financially assist a displaced dwelling owner or resident meeting the qualifications contained in the rules and regulations for implementation of the California Relocation Assistance Law adopted by the Agency, in order to provide suitable housing for any persons displaced from their residence as a result of the Agency's implementation of the Plan. The Agency may amend its relocation rules and regulations from time to time.

3.5.5 COMMERCIAL AND INDUSTRIAL RELOCATION

Existing businesses and industry within the Project Area will be given an opportunity to acquire parcels made available for business and industrial development through the redevelopment process. Relocation advisory assistance for any business or industry will be made available through the Agency. In the event that it becomes necessary to relocate a business, and the business cannot be relocated without a substantial loss of patronage, and the business is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business, the Agency is authorized to pay to such a business a "good will" relocation payment as provided in the rules and regulations for implementation of the California Relocation Assistance Law adopted by the Agency. The Agency is also authorized to pay any and all actual and reasonable moving expenses of a business if the business is required to relocate as a result of the implementation of the Plan.

3.6 PAYMENTS TO TAXING AGENCIES FOR IN LIEU TAXES AND TO ALLEVIATE FINANCIAL BURDEN

Subject to the provisions of Section 33401 of the Community Redevelopment Law, the Agency may make the payment specified in this Section. In any year during which it owns property in the Project Area, the Agency is authorized, but not required, to pay directly to a city, county, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property, had it not been exempt, an amount of money in lieu of taxes. The Agency may also pay to any taxing agency with territory located within the Project Area (other

than the City), any amount of money which, in the Agency's determination, is appropriate to alleviate any financial burden or detriment caused to such taxing agency by the Project.

3.7 DEMOLITION, CLEARANCE, PUBLIC IMPROVEMENTS, BUILDING AND SITE PREPARATION

3.7.1 DEMOLITION AND CLEARANCE

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan. Prior to demolition and clearance, property shall be offered where feasible to the public.

3.7.2 PUBLIC IMPROVEMENTS

The Agency is authorized to install and construct, or to cause to be installed and constructed, the public improvements, facilities and utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements, facilities, and utilities include: (1) parking and transportation facilities; (2) sewers; (3) storm drains; (4) electrical, natural gas, telephone and water distribution systems; (5) parks and recreational areas; (6) landscape areas; (7) street, alley and circulation improvements; (8) flood control improvements and facilities; (9) streetscape improvements; and (10) street lighting.

3.7.3 PREPARATION OF BUILDING SITES

The Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. The Agency is also authorized to construct foundation, platforms and other structural forms necessary for the provision or utilization or air rights sites for buildings to be used for commercial, public and other uses provided in this Plan.

3.8 PROPERTY DISPOSITION AND DEVELOPMENT

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. The Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding but only after a public hearing as required by law.

All conveyance of Agency property, whether by lease, sale, sublease, or subsequent resale, shall be subject to the obligation that jobs resulting from the development or use of the property, including construction jobs as well as permanent jobs to be located in business uses, shall, to the greatest extent possible, be provided to community residents.

Before any interest in real property of the Agency acquired in whole or in part, directly or indirectly, with tax increment monies is sold, leased, or otherwise disposed of for development pursuant to this Plan, such sale, lease or disposition shall be first approved by the City Council after public hearing in conformance with Section 33433 of the Community Redevelopment Law.

All real property acquired by the Agency in the Project Area shall be sold or leased to public, non-profit, or private agencies, persons or entities for development for the uses permitted in this Plan at, or below market rate. Real property may be conveyed by the Agency to the City and, where beneficial to the Project Area, to any other public body for an amount less than fair market value.

All purchasers or lessees of property from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

During the period of development in the Project Area, the Agency shall ensure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

3.8.1 DISPOSITION AND DEVELOPMENT DOCUMENTS

In order to provide adequate safeguards to ensure that the provisions of this Plan will be carried out, to prevent the recurrence of blight, and to reduce the community's unemployment, all real property sold, leased, or conveyed by the Agency, as well as all property subject to owner participation agreements, shall be made subject to the provisions of this plan, any adopted design guide, and other conditions imposed by the Agency be leases, deeds, contracts, agreements, declaration of restriction, provisions of the Community Plan, conditional use permits, first source hiring agreements with the Enterprise Zone Job Referral Service (or its successor), or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon age, race, color, religion, national origin, sex, marital status or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as are required by law. All deeds, leases or contracts for the sale, lease, sublease or other transfer of any land in the Project shall contain the nondiscrimination clauses prescribed in the Section 33436 of the Community Redevelopment Law.

3.8.2 DEVELOPMENT BY THE AGENCY OF OTHER PUBLIC BODIES OR ENTITIES

To the extent now or hereafter permitted by law, the Agency, is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public body or public entity, provided that such building, facility, structure or other improvement are of benefit to the Project Area or the immediate neighborhood in which the Project is located, regardless of whether such improvement is within another project area; and that no other reasonable means of financing such buildings, facilities, structures, or other improvements are available to the community. The Agency is authorized to financially (and otherwise) assist buildings, facilities, structures, or other improvements (within or outside the Project Area) to the extent permitted by law.

The Agency may pay for, install or construct the following facilities, and may acquire or pay for the land required, including but not limited to: streets, curbs, gutters, sidewalks, landscaping, open space, street furniture, site improvements for new development, including foundation and parking structures, utilities, street lighting, public buildings, library and community service facilities. The publicly owned facilities for which this Plan provides include those shown on Exhibit 3 attached to the Plan, and those referred to in Section 3.7.2.

When the value of such land or the cost of the installation and construction of such building, facility, structure, or other improvement, or both, has been, or will be paid or provided for initially by the City or other public corporation, the Agency may enter into a contract with the City or other public corporation under which it agrees to reimburse the City or other public corporation for all or part of the value of such land or all or *part of the cost of* such building, facility, structure, or other improvement, or both, by periodic payments over a period of years.

The obligation of the Agency under such contract shall constitute an indebtedness of the Agency for the purpose of carrying out the redevelopment project for the Project Area. The indebtedness may be made payable out of taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law, or out of any other available funds.

In a case where: 1) such land has been or will be acquired by; or 2) the cost of the installation and construction of such building, facility, structure or other improvement has been paid by a parking authority, joint powers entity, or other public corporation to provide a building, facility, structure, or other improvement which has been or will be leased to the City, such contract may be made with, and such reimbursement may be made payable to, the City.

Before the Agency commits to use the portion of taxes to be allocated and paid to the Agency pursuant to subdivision (b) of Section 33670 for the purpose of paying all or part of the value of the land for, and the cost of the installation and construction of, any publicly owned building, (other than parking facilities), the City Council shall hold a public hearing in accord with the provisions of Section 33679 of the Community Redevelopment Law.

3.8.3 DEVELOPMENT PLANS

All development plans (whether public, non-profit or private) shall be processed in the manner provided by applicable City codes as they are, or as they may be amended from time to time. All development in the Project Area must conform to City and Agency design review procedures adopted by the Agency.

3.8.4 PERSONAL PROPERTY DISPOSITION

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

3.9 COOPERATION WITH PUBLIC BODIES

Certain public bodies are authorized by State law to aid and cooperate with or without consideration in the planning, undertaking, construction, or operation to this Project. The Agency may seek the aid and cooperation of such public bodies and attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public

body which owns or leases property in the Project Area will be afforded all the privileges of owner participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in and authorized by this Plan to ensure that present uses and any future development by public bodies will conform to the requirement of this Plan.

3.10 REHABILITATION, CONSERVATION AND MOVING OF STRUCTURES

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized to advise, encourage, and assist (through a loan program or otherwise) in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance. Any project proposing to affect a designated or potential historic site must follow the required procedures under the Municipal Code. This would require review by the Historical Site Board if the property is to be acquired, restored, rehabilitated, and/or relocated.

It shall be the purpose of this Plan to allow for the retention of as many existing businesses and residences as practical, and to add to the economic life of these businesses by a program of voluntary participation in their conservation and rehabilitation. The Agency is authorized to conduct a program of assistance and enforcement to encourage owners of property within the Project Area to upgrade and maintain their property, consistent with this Plan and such standards as may be developed for the Project Area.

Rehabilitation in the Project Area shall be subject to the following provisions:

- The rehabilitation of the structure must be compatible with land uses as provided for in this Plan;
- The rehabilitation and conservation of the structure must be carried out in an expeditious manner and in conformance with the requirements of this Plan and such property rehabilitation standards as may be adopted by the Agency and the City and in certain instances, the Federal government.

- The rehabilitation of the structure must provide for any proposed expansion of public improvements, facilities and utilities.
- The rehabilitation of a structure must conform to development standards and design guidelines as may be adopted by the Agency and the City.
- The rehabilitation of a structure shall not interfere with or deter the Agency's authority to assemble and develop areas in accordance with the Plan.

The Agency may adopt property rehabilitation standards for the rehabilitation of properties in the Project Area.

The Agency shall not assist in the rehabilitation or conservation of properties which, in its opinion, are not economically and/or structurally feasible.

3.10.1 MOVING OF STRUCTURES

As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building, or any structure or building which can be rehabilitated, to a location within or outside the Project Area. Preference shall be given to locations within the Barrio Logan/Harbor 101 Community Plan boundaries.

3.11 LOW OR MODERATE INCOME HOUSING

3.11.1 DEFINITION OF TERMS

The terms "affordable rent," "replacement dwelling unit," "persons and families of low or moderate income," "very low income households" and "housing fund," as used herein, shall have the meanings as defined by the Community Redevelopment Law and other State and local laws and regulation pertaining thereto.

3.11.2 AUTHORITY GENERALLY

The Agency may, inside or outside the Project Area, acquire land, donate land, improve sites, or construct or rehabilitate structures in order to provide housing for persons and families of low or moderate income. The Agency may also provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining housing within the City.

3.11.3 REPLACEMENT HOUSING

In accordance with Sections 33334.5 and 33413 of the Community Redevelopment Law, whenever dwelling units occupied by low- or moderate-income persons and/or families are destroyed or removed

from the low- and moderate-income housing market as part of a redevelopment project, the Agency shall, within four years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable housing costs within the territorial jurisdiction of the Agency, preferably within Barrio Logan, in accordance with all of the provisions of Sections 33413 and 33413.5 of the Community Redevelopment Law.

Low- and moderate-income units in the Project Area that do not require replacement are those units which are destroyed by a private party with no assistance from or agreement with the Agency.

For dwelling units that are destroyed or removed after September 1, 1989, to the extent required by law, 75% of the replacement units shall be affordable to the same income groups as those destroyed or removed units being replaced.

3.11.4 INCREASED AND IMPROVED SUPPLY

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than 20 percent of all taxes which are allocated to the Agency pursuant to subdivision (b) of Section 33670 of the Community Redevelopment Law shall be used by the Agency for the purposes of increasing and improving the City's supply of low and moderate income housing available at affordable housing cost, to persons and families of low or moderate income, and very low income households, as defined by Section 50052.5, Section 50093 and Section 50105 of the Community Redevelopment Law, respectively.

The housing strategies of the Agency shall consist of rehousing existing families within Barrio Logan, maintaining ownership status, building larger units (3 and 4 bedrooms), encouraging neighborhood self-help housing, assuring the health and safety of residents, providing alternatives to ownership (rental and cooperative housing) and building a new stock of affordable homes to replace dilapidated, older homes.

The Agency is required pursuant to Community Redevelopment Law, Section 33334.2 to create a separate segregated Low and Moderate Income Housing Fund for any tax increment revenues set aside for low and moderate income housing.

The Housing Fund will serve to increase and improve the supply of low and moderate income housing (Community Redevelopment Law, Section 33334.2 and 33334.3). In carrying out the purposes of Section 33334.2, the Agency may exercise any or all of its powers, including, but not limited to, the following:

- Acquire land or building sites;

- Improve land or building sites with on-site or off-site improvements;
- Donate land to private, public or nonprofit persons or entities;
- Construct buildings or structures;
- Acquire buildings or structures;
- Provide subsidies to or for the benefit of persons or families of very low, low or moderate income;
- Develop plans, pay principal and interest on bonds, loans, advances, or other indebtedness, or pay financing or carrying charges;
- Pay a portion of the principal and interest on bonds issued to finance low and moderate income housing; and
- Preserve subsidized housing and units subject to conversion to market rate rental.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions. These funds may be used inside or outside the Project Area provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project are made as required by said Section 33334.2 of the Community Redevelopment Law.

3.11.5 NEW OR REHABILITATED DWELLING UNITS DEVELOPED WITHIN PROJECT AREA

At least thirty percent (30%) of all new or rehabilitated dwelling units developed by the Agency, if any, shall be available at affordable housing cost to persons and families of low and moderate income. Not less than fifty percent (50%) of the dwelling units required to be available at affordable housing cost to persons and families of low or moderate income shall be available at affordable housing cost to, and occupied by, very low income households.

At least fifteen percent (15%) of all new or rehabilitated units developed within the Project Area by public or private entities or person other than the Agency, if any, shall be available at affordable housing cost to persons and families of low or moderate income. No less than forty percent (40%) of the dwelling units required to be available at affordable housing cost to persons and families of low or moderate income shall be available at affordable housing costs to very low income households.

If all or any portion of the Project Area is developed with low or moderate income housing units, the Agency shall require by

contract or other appropriate means that such housing be made available for rent or purchase to the persons and families of low and moderate income displaced by the Project. Such persons and families shall be given priority in renting or buying such housing; provided, however, failure to give such priority shall not effect the validity of title to real property.

3.11.6 DURATION OF DWELLING UNIT AVAILABILITY

The Agency shall require that the aggregate number of replacement dwelling units and other dwelling units rehabilitated, developed or constructed shall remain available at affordable housing cost to persons and families of low income, moderate income and very low income households, respectively, for not less than the duration of this Plan's development controls.

4.0 LAND USES, DEVELOPMENT AND URBAN DESIGN REQUIREMENTS

4.1 REDEVELOPMENT PLAN MAP AND MAJOR PROJECT AREA LAND USES

The generalized Land Use Map, Exhibit 2, shows the major categories of land uses permitted within the Project Area. This Exhibit also shows the proposed major streets within and adjacent to the Project Area. Other uses and street pattern modifications may be authorized from time to time by the Redevelopment Agency through Plan amendments.

4.2 MAJOR LAND USES

Major land uses permitted within the Project Area shall include: commercial use, Mercado District, commercial/residential mixed use, residential use, public serving use, and light industry/commercial use. Various kinds of uses are permitted within each category shown in Exhibit 2 which are specified in adopted plans and local codes & ordinances (as may be amended).

4.2.1 COMMERCIAL USE

The Land Use Map shows areas designated for primarily Commercial Use, which incorporates some light industrial wholesale and packaging with retail frontage as well as limited residential. The planning emphasis is to construct and rehabilitate existing structures and facilities pursuant to adopted rehabilitation standards and design guidelines.

Commercial uses are established on the north side of Logan Avenue to facilitate higher intensity uses and provide a land use buffer from the 1-5 freeway. Permitted commercial facilities include, but are not limited to: retail sales and services; general and specialty office; on-site craft making; eating, drinking, and entertainment establishments; food sales; administrative commercial activities; consulting, banking, and financial services; business and communication services; public uses; private clubs; fitness clubs;

non-profit and fraternal organizations; hotels and motels; and SRO's. Some light industrial, wholesale, trade, warehouse, and distribution facilities associated with retail and commercial uses and some consumer repair services (excluding auto and heavy machinery) will also be oriented to this area. Limited residential and live/work units may also be permitted on upper floors only. Some uses may require a conditional use permit as specified in local codes and ordinances. Commercial uses must give preference to community needs. Customer intensive uses and pedestrian amenities are encouraged at the ground level.

4.2.2 MERCADO DISTRICT

The Mercado District is proposed as a mixed-use area consisting of commercial, retail and services; food and entertainment establishments; cultural, educational and recreational uses; small offices; residential uses; and parking facilities. A supermarket in a setting of pedestrian spaces and public amenities is proposed as the central feature of the Mercado District along with adjacent new residential development.

The mixed use Mercado District is to be integrated into the existing neighborhood and developed in accordance with development standards and design guidelines as may be established by the Agency. The Mercado District is intended to serve primarily the surrounding communities yet it is also expected to attract tourists and visitors from the greater San Diego area.

4.2.3 COMMERCIAL/RESIDENTIAL MIXED USE

The Commercial/Residential Mixed-Use designation provides for a variety of land uses, either singly, or as a mixed-use project. Commercial/residential mixed uses are encouraged to develop as customer-intensive ground floor commercial, retail and consumer service oriented uses with upper floors of office, service, and/or residential. Individual structures of single or multiple family units may be interspersed with commercial uses.

Commercial uses encouraged and permitted in this designation are local community serving uses including but not limited to : customer intensive uses, such as: comparison retail; restaurants; food sales; local markets and specialty goods; drug stores; entertainment; consumer repairs; cultural and educational uses; public serving institutions; personal, health and beauty services; business and communication services; banking and savings and loan establishments. Also permitted are specialty office/professional uses, including: lawyers; health services; financial services (tax preparation and accounting related uses); career and consulting services; travel agencies; real estate/property related services; private clubs; fitness clubs; non-profit and fraternal organizations; hotels and motels and SRO's. Some uses may require a conditional use permit as specified in local codes and ordinances.

Permitted second floor and above uses allows for general and specialty office/professional and consumer services, art studio uses, live/work units and residential units.

4.2.4 RESIDENTIAL USE

Areas shown on the Land Use Map as Residential shall be developed and used for single or multiple family housing (SRO's are not permitted in this category). Other uses allowed include public serving facilities and institutions; religious establishments; and educational & recreational uses. Emphasis is to be given to rehabilitation and reconstruction of existing dwelling units in the area and to expansion of residential uses to create a viable neighborhood. New housing and reconstructed housing should be developed according to City standards. Consistent with the Plan, and to the extent possible, new housing and existing units should be priced to ensure that people from this market area will be able to afford living there. New housing developments shall include amenities and facilities that are appropriate for existing Project Area residents.

4.2.5 PUBLIC/QUASI PUBLIC USE

In any part of the Project Area the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or nonprofit uses, including but not limited to: park and recreational facilities; parking facilities; libraries; cultural/educational facilities; philanthropic and social services; religious and charitable institutions; utilities; railroad rights-of-way; multi-modal transportation facilities; and facilities for other similar purposes, associations or organizations. All such uses may be subject to conditional use permits as specified in adopted codes and ordinances. The Agency may also impose such other reasonable restrictions as may be necessary to protect other uses and residents within the Project Area.

Emphasis in this land use designation is to provide standard size schools and an adequate learning environment, as well as increase opportunities for public amenities including, as appropriate, a multi-cultural community center, a community recreational field, and expansion of the existing Chicano Park, including development of a pedestrian greenbelt to link Chicano Park to the waterfront. Construction and/or expansion of educational facilities shall conform to standards approved by the Agency.

4.2.6 LIGHT INDUSTRY/COMMERCIAL USE

The Land Use Map permits light industrial, heavy commercial and associated commercial services in the southwest periphery of the Project Area. Uses permitted in areas designated as Light Industry/Commercial include, but are not limited to: industrial services such as welding shops, industry machine and equipment repair, equipment and tool rental establishments; limited manufacturing including processing, assembly, treatment and packaging of finished parts or products primarily from previously prepared materials; commercial related uses such as vehicle/equipment sales and services, automobile repair, auto rentals and storage, moving and storage firms; wholesale and bulk sales distribution; warehousing; transportation related uses; waterfront dependent uses supportive of marine oriented industries such as boat sales and related maintenance, shipbuilding, cargo and freight facilities, marine carpentry and woodworking; research and development facilities.

The Plan will encourage consolidation of industrial and heavy commercial land for uses such as industrial parks and auto/marine related services. A landscaped buffer is proposed along Harbor Drive within the Trolley right of way.

Also permitted within this land use category is the reuse of existing industrial and commercial buildings for artists' live/work quarters as contemplated by Chapter X, Article 1, Division 5, Section 101.0570 of the San Diego Municipal Code, as may be amended.

4.3 OTHER LAND USES

4.3.1 Public Rights-of-way

Major (arterial) public streets within the Project Area are Logan Avenue, Crosby Street, Harbor Drive, National Avenue, Newton Avenue, Main Street, and Beardsley Street.

Additional public streets, alleys, "pasajes", walkways, and easements may be created in the Project Area as needed to serve and enhance new development. Existing streets and alleys may be widened, vacated, temporarily or permanently closed, realigned or modified as necessary for proper use and/or development. A redevelopment goal is to create a street hierarchy that will produce local, collector and major streets in accordance with the Circulation Element of the Community Plan, as may be amended.

Any changes in the existing street layout shall be in accord with the objectives of this Plan, and the City's design standards and shall be effectuated in the manner prescribed by State and local regulations, and be guided by the following criteria:

1. A balancing of the needs of proposed and potential new development for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with similar needs of existing development proposed or potentially proposed to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the participation and preference rules adopted by the Agency for the Project, and any participation agreements [executed thereunder;
2. The requirements imposed by such factors as topography, traffic safety and aesthetics;
3. The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project by providing convenient, efficient vehicular access and movement; and
4. The potential need or desire to accommodate the facilities and/or equipment of mass transportation modes.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, street furniture and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained, amended or created, and maintained in good condition.

4.3.2 Parking and Loading Facilities

Parking is a permitted use throughout the Project Area. Parking must meet all applicable City standards. However, the Agency may impose parking requirements applicable only to the Project Area or to a specific project which may differ from city wide standards. In addition, the Agency, in its sole discretion may impose locational screening and curb cut requirements to achieve urban design goals. Parking spaces shall be paved and drained so that storm and surface waters draining from parcels will not cross public sidewalks. Lighting for parking spaces shall be shielded from adjacent properties.

Off-street loading facilities for commercial and industrial uses shall be located in a manner to avoid interference with public use of sidewalks and in conformance with City codes and ordinances. Off-street loading facilities must be also screened by landscaping to the extent and in the manner established by the Agency.

4.4 INTERIM USES

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses not in conformity with the uses permitted in this Plan.

4.5 NONCONFORMING USES

The Agency is authorized to permit continuance of an existing use which does not conform to the provisions of this Plan, provided that: such use is generally compatible with existing and proposed development and uses in the Project Area; is in good condition; and abatement of such use is not required by applicable local codes and ordinances. The owner of such a property may be required to enter into a participation agreement, to record a covenant of restriction against the property, and agree to the imposition of such reasonable restrictions as may be necessary to protect other development and uses in the Project Area.

The Agency may authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan, As determined by the Agency, such improvements will be compatible with surrounding uses and developments, and will be in conformance with applicable City codes and ordinances.

4.6 GENERAL CONTROLS AND LIMITATIONS

All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provision of this Plan, including the development standards set forth below.

4.6.1 CONSTRUCTION

All construction in the Project Area shall comply with applicable State and local laws in effect from time to time, including but not limited to, Zoning, Building, Electrical, Plumbing, Mechanical, Health Sanitation and Fire Codes of the City. In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards and design guidelines may be adopted by the Agency to control and direct redevelopment activities in the Project Area, including property rehabilitation.

4.6.2 REHABILITATION

Any existing structures within the Project Area which the Agency shall approve for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects, and be attractive in appearance and not detrimental to the surrounding uses. Property rehabilitation standards for rehabilitation of existing buildings and site improvements may be established by the Agency.

4.6.3 STRUCTURES OF HISTORIC SIGNIFICANCE

To the extent practical, special consideration shall be given to the protection, rehabilitation, or restoration of historically significant structures and their integration into redevelopment projects. In particular, the portion of Logan Ave. southwesterly of Chicano Park identified as a potential historic district shall receive special consideration as a community resource that should be enhanced through the redevelopment program.

4.6.4 LIMITATION ON THE NUMBER, HEIGHT AND BULK OF BUILDINGS AND DWELLING UNITS

The number of dwelling units in the Project Area shall be approximately 1,200. The number, height, and bulk of buildings in the Project Area shall be regulated by the City's policies, codes and ordinances, as applicable and as may be amended. In determining the number, height and bulk of buildings to be developed on any single property in the Project Area, the following shall also be considered:

- The scale and relationship of buildings within a development and in the vicinity;
- Views and vistas from within a development and from adjacent properties and streets;
- Vehicular traffic generating qualities of land uses proposed and transit availability;
- Relationship to pedestrian and public open spaces on, near, or between the buildings proposed;
- Quantity and quality of off-street parking and loading spaces; and
- The effects of size, height, number and location of such proposed buildings on the availability of light, air and privacy to other buildings within a development and to adjacent buildings and property.

4.6.5 OPEN SPACES, LANDSCAPING, LIGHT, AIR, NOISE AND PRIVACY

All new public and private development, redevelopment and rehabilitation work shall be required to provide landscaping and landscaped open space and conform to the City-wide Landscaping Ordinance, Municipal Code Sections 101.0701 through 101.0714; and the City of San Diego Landscape Technical Manual, Document No. RR-274506, as amended, or any successor regulations. City standards for the provisions under this section may require the Agency, in its sole discretion, to establish greater standards.

Approving officials and regulatory bodies shall review and approve all open space and landscaping plans prior to construction or rehabilitation to ensure an optimum use of living plant and other landscape materials.

In all areas, sufficient space shall be maintained between buildings to provide adequate light, air, noise buffers and privacy.

As feasible, adequate landscaping and screening shall be provided to create a buffer between those areas designated for residential use and those areas designated for non residential use. Certain commercial or industrial activities and operations may be required to be conducted within an enclosed area or building. All outdoor storage of materials or equipment shall be enclosed or screened by walls, fences, landscaping or other enclosure to the extent and in the manner required by the City and the Agency. In approving the method of enclosing or screening the outdoor storage of materials or equipment, the City and the Agency shall consider the visual impact of such method as viewed from nearby multi-storied buildings as well as from adjacent ground views.

Lighting fixtures shall be glareless, directed away from adjacent properties, and attractively designed.

4.6.6 SIGNS

All signs shall conform to City requirements. Design of all proposed new signs shall be submitted prior to installation to the Agency and/or City for review and approval pursuant to the procedures permitted by this Plan. New signs must contribute to a reduction in signage blight currently existing in the Project Area as determined by the Agency in its sole discretion.

4.6.7 UTILITIES

The Agency may require that all utilities be placed underground whenever physically possible and economically feasible.

4.6.8 STREETYARDS

All streetyards shall be landscaped and maintained by the owner. Any portion necessary for access shall be paved. The Agency may establish building wall and setback requirements of new developments within the Project Area for the purpose of encouraging pedestrian orientation and amenities.

4.6.9 INCOMPATIBLE USES

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors which would be incompatible with the surrounding areas or structure shall be permitted in any part of the Project Area. Incompatible uses granted non conforming rights by the zoning ordinance may be subject to abatement as determined by the Agency.

4.6.10 NONDISCRIMINATION AND NONSEGREGATION

There shall be no discrimination or segregation based upon age, race, color, creed, sex, marital status, religion, national origin or ancestry permitted in the sale, lease, sublease, transfer use, occupancy, tenure, or enjoyment of property in the Project Area.

4.6.11 EMPLOYEES AND TRAINEES FROM THE COMMUNITY

Contractors and others engaged in construction and rehabilitation activities in the Project Area, excepting private owner-occupants, shall work with the Enterprise Zone Job Referral Service (or its successor) so that, to the greatest extent possible, new jobs shall be filled by community residents.

Businesses located on newly developed, redeveloped, or rehabilitated property subject to a disposition and development agreement or an owner participation agreement with the Agency shall work with the Enterprise Zone Job Referral Service (or its successor) so that, to the greatest extent possible, new jobs shall be filled by community residents.

4.6.12 RESUBDIVISION OF PARCELS

No parcel in the Project Area, including any parcel retained by a participant, shall be resubdivided without the approval of the Agency.

4.6.13 URBAN DESIGN

The Project area offers opportunities not only for new development but also for rehabilitation of existing structures and sensitive infill development.

All new development, rehabilitation and infill of property in the Project Area shall be appropriate and of good design in relation to other buildings, structures and property on the site and in the surrounding area, considering, in addition to other applicable standards, the following standards:

- Redevelopment projects should emphasize a human small scale, individualized development rather than large scale, superblock development.
- Architecture should relate to, but not necessarily imitate components of a Hispanic historical theme. Designs should maintain a harmonious relationship with existing and proposed adjoining development, avoid excessive variety and monotonous repetition, but allow similarity of style, if warranted.
- Site plans should provide functional and attractive grouping of buildings and structures, leaving usable open landscaped areas of contrasting sizes for courtyards, plazas, "pasaje" treatments and public amenities.
- New development should be oriented and aligned with the street in a disciplined manner with minimum visual and functional interruptions to pedestrian continuous movements by parking lots and driveways.
- The existing grid street pattern and alleyways provide identity to this community and should be retained.
- Overall building shapes, as well as parts of any structure (buildings, walls, fences, screens, towers, or signs), should be in proportion to and in scale with other existing or permitted structures in the area.
- Buildings (particularly residential buildings) should be oriented to take advantage of views, provide privacy, and, where possible, utilize solar heating in winter and shade glass areas in summer months.
- Mechanical and electrical equipment should be well coordinated in the total design concept and hidden from view whenever possible.
- Colors should be harmonious with other colors in the development and in the area. Colorful buildings and landscaping are encouraged.
- Textures and materials on all exterior sides of buildings or structures should be varied, harmonious and compatible with existing character of development. Metal and reflective glass structures should be generally avoided.

- Adequate landscaping in proportion to the Project and the site should be provided with due regard to preservation of specimen and landmark trees. Selection of a size and type of planting should be appropriate to the Project, drought resistant, and have adequate provisions for planting and maintenance.
- Plans should incorporate good street level design including windows, entrances, human scale architectural elements, and building articulation which creates pedestrian interest. Blank walls should be limited in width.

The Agency is authorized, within the limits, restrictions, and controls established in this Plan, to establish requirements on: (1) heights of buildings; (2) land coverage; (3) setbacks; (4) design and sign criteria; (5) traffic circulation; (6) traffic access; (7) parking location and design; and (8) other development and design controls necessary for property development of both private and public areas within the Project Area. These may be established by the approval of specific developments, by the adoption of general restrictions and controls by resolution of the Agency, or by the adoption of zoning ordinances and design guidelines pursuant to this Section.

No new improvement shall be constructed, and no existing improvement shall be substantially modified, converted, altered, repaired, relocated, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency unless allowed pursuant to the procedures of this Plan. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, pedestrian orientation, open space, and other amenities to enhance the aesthetic and otherwise architectural quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

4.7 MINOR VARIATIONS

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan; or
- There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and

controls; and

- Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- Permitting a variation will not be contrary to the objectives of this Plan or of the Community Plan, as amended.

No variation shall be granted which changes a basic land use, intensity of development, or which permits other than a minor departure from the provision of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of this Plan. Any variation or redevelopment plan amendment permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

4.8 BUILDING PERMITS

No permit shall be issued for any work pertaining to the construction, relocation, conversion, alteration, or addition to any building, structure, or paving from the date of adoption of this Plan until application for such permit has been processed in a manner consistent with all City/Agency requirements.

The Agency is authorized to establish procedures for approvals in addition to those set forth above when and where required for the purposes of this Plan. Where such additional procedures for approvals are established, all Agency agreements or assistance for any redevelopment activity shall require compliance therewith.

5.0 METHODS FOR FINANCING THE PROJECT

5.1 GENERAL DESCRIPTION OF THE PROPOSED FINANCING METHOD,

The Agency is authorized to finance this Project with financial assistance from the City, State of California, Federal Government, tax increment funds, interest income, Agency bonds, donations, loans from private lending institutions, the lease or sale of Agency owned property or any other available source, public or private.

The Agency is also authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, fines and indebtedness may be paid from tax increments or any other funds available to the Agency. Advances and loans for survey and planning and for operating capital for nominal administration of this Project may be provided by the City until adequate tax increment or other funds are available, or sufficiently assured, to repay the advances or loans and to permit borrowing

adequate capital from sources other than the City. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

5.2 TAX INCREMENT FUNDS

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, the County of San Diego, the City of San Diego, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of that property by the taxing agency, last equalized prior to the effective date of the ordinance, shall be allocated to and when collected shall be paid to the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(For the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of the ordinance but to which that territory has been annexed or otherwise included after that effective date, the assessment roll of the County of San Diego last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the Project on the effective date).

2. Except as provided in Paragraph 3, below, that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in Paragraph I hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid to the respective taxing agencies.

When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall be paid to the respective taxing agencies as

taxes on all other property are paid.

3. That portion of the taxes in excess of the amount identified in Paragraph 1 above which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency. This Paragraph shall only apply to taxes levied to repay bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989.
4. The portion of taxes mentioned in Paragraph 2 above are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized to make such pledges as to specific advances, loans indebtedness and other obligations as appropriate in carrying out the Project.
5. The Agency is authorized to make such pledges as to specific loans and indebtedness as appropriate in carrying out the Project.

The total number of dollars of taxes which may be divided and allocated to the Agency pursuant to Health & Safety Code Section 33670 shall not exceed Three Hundred Seven Million Dollars (\$307,000,000), except by amendment of this Plan.

5.3 AGENCY BONDS AND OTHER OBLIGATIONS

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of the issuance. The Agency is also authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds and indebtedness may be paid from tax increments or other funds available to the Agency.

The bonds and other obligations of the Agency are not a debt of the City or the State, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

5.4 LIMITATIONS ON AGENCY BONDS AND OTHER OBLIGATIONS

No loan, advance, or indebtedness to finance in whole or in part the Project and to be repaid from the division and allocation of taxes to the Agency pursuant to Health and Safety Code Section 33670 shall be established or incurred by the Agency beyond forty (40) years from the effective date of the ordinance approving and adopting this Plan, except by amendment of this Plan.

The amount of bonded indebtedness to be repaid from the allocation of taxes pursuant to Health and Safety Code Section 33670, which can be outstanding at any one time, shall not exceed One Hundred Twenty Seven Million Dollars (\$127,000,000), except by amendment of this Plan.

5.5 OTHER LOANS AND GRANTS

Any other loans, grants, guarantees or financial assistance from the United States, the State of California or any other public or private source will be utilized, if available, as appropriate, in carrying out the Project.

6.0 ACTIONS OF THE CITY

The City of San Diego shall aid and cooperate with the Agency in carrying out this Plan. The City shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City may included but not be limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City shall include the requirement of abandonment, removal, and relocation by the public utility companies of their operation in public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be construed to require the cost of such abandonment, removal and relocation be borne by others than those legally required to bear such costs.
2. Institution and completion of proceedings necessary for changes and improvement in private and publicly-owned public utilities within or affecting the Project Area.
3. Amendment to the Community Plan, Local Coastal Plan, and revision of the Zoning Ordinance within the Project Area to permit the land uses and development authorized by this Plan.

4. Imposition whenever necessary (by covenants or restrictions, conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
5. Provision for administrative enforcement of this Plan by the City after development.
6. Performance of the above actions, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
7. Provision of services and facilities and the various officials, offices and departments of the City for the Agency's purposes under this Plan.
8. Provision of financial assistance in accordance with the provisions set forth in this Plan under the sections discussing the method of financing the Project.
9. The undertaking and completing of any other proceedings necessary to carry out the Project.

The foregoing actions to be taken by the City of San Diego may involve financial outlays by the City, but do not constitute a commitment to make such outlays.

7.0 ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by legal action instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project area may be enforced by such owners.

8.0 DURATION OF THE REDEVELOPMENT PLAN

Except for the non-discrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for forty (40) years from the effective date of adoption of this Plan by the City Council;

provided, however, that the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect for the purpose of repaying such bonds or other obligation until the date of retirement of such bonds or other obligations, as determined by the City Council.

9.0 PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Community Redevelopment Law or by any other procedure hereafter established by law.